



**TOWN OF BEAUX ARTS VILLAGE**  
**TOWN COUNCIL MINUTES**

May 8, 2012  
Hillberg

Mayor Leider called the meeting to order at 7:00 pm.

**PRESENT:** Mayor Richard Leider, Councilmembers John Gillem, Mike Hillberg, Aaron Sharp, and Tom Stowe.

**EXCUSED:** Councilmember Matt Leber.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** WABA President Paula Dix; Jane and Jeff Leffingwell; Susan Kennedy; Donna Stowe; Bruce Anderson, Cutler Architects; Hiro Kurozumi, Cutler Architects; Linda Mui, Erin Jacobsen, and Joann Bromberg.

**MINUTES:** Councilmember Sharp moved to approve the April 3, 2012 minutes, as written. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**WARRANTS:** Councilmember Sharp moved to approve the April 3, 2012 warrants, numbers 8974 through 9003 (including 8974 through 8976 voided for printing errors) in the amount of \$16,018.49. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Sharp moved to approve the May 8, 2012 warrants, numbers 9004 through 9028 in the amount of \$22,542.77. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**CLERK'S REPORT:**

**MECHANICAL PERMIT FEES:** Clerk-Treasurer Spens reported that Deputy Clerk Kulp recently reviewed our mechanical permit fees and noted that inspection costs for these permits often exceed the fees we collect. She asked the Council if they would like to review more detailed information about this situation. It was the consensus of the Council that Clerk-Treasurer Spens should prepare a summary of our current permits fees and their associated costs for further review by the Council. That summary should include information about costs for similar permits in other jurisdictions in our vicinity. Clerk-Treasurer Spens will prepare a report and bring it to the Council when complete and ready for review and discussion.

**BELLEVUE FIRE DEPARTMENT INCIDENT REPORTS:** Clerk-Treasurer Spens distributed copies of the monthly reports she receives from the Bellevue Fire Department listing the incidents to which they responded each month. She asked if the Council wishes to see this monthly report on an ongoing basis. It was the consensus of the Council that a

quarterly recap highlighting the current and previous years' statistics would be more beneficial.

**SPEED HUMP ON 105<sup>TH</sup> AVE SE:** Clerk-Treasurer Spens reported that she received three emails from residents living on 105<sup>th</sup> Ave SE between SE 27<sup>th</sup> and SE 28<sup>th</sup> Streets asking that the speed hump be restored to its former shape. Residents all noted that when the street overlay was last done, the speed hump was flattened and is now less effective in slowing vehicles along that street.

After hearing comments from these neighbors, the Council discussed the situation. It was the consensus of the Council that the speed hump should be restored for several reasons:

- The speed hump will be restored to its former shape, not configured to a new shape, in its current location.
- There is strong support from the neighbors, so there should be little to no negative reaction.
- The speed hump will help slow traffic.

Councilmember Sharp will handle this restoration work.

**WEBSITE HOSTING:** Clerk-Treasurer Spens reported that the migration of the Town's website to its new host server is complete and despite a few rough days when the site was down, it is up and running consistently now.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** Water Supervisor Durr reported that Water Superintendent Beck has found someone who can inspect the water tower (check for rust, examine the bolt connections, etc.), clean and stabilize any rust for \$1,000. The inspection will be documented with photos, and if the inspector finds anything of concern, he will report it to both Mr. Durr and Mr. Beck.

Mr. Durr reported that a number of old water meters have been replaced as part of the Water Department's regular maintenance program.

**WABA REPORT:** Paula Dix reported that WABA's Shoreline Restoration Project is underway. She also reported that the Spring Beach Clean Up was very successful and WABA is investigating the removal of several trees along SE 30<sup>th</sup> Street from the WABA Strip.

**PUBLIC HEARING: BROOKHART REQUEST FOR A BOUNDARY-LINE ADJUSTMENT:** Mayor Leider opened the discussion by asking for a motion on the question.

**MOTION:** Councilmember Stowe moved to approve the Brookhart's application for a boundary-line adjustment between the properties at 2713 and 2737 – 107<sup>th</sup> Ave SE with the condition that the roof eave on the existing structure at 2737 – 107<sup>th</sup> Ave SE be brought into compliance with the Town's setback rules. Councilmember Hillberg seconded.

Mayor Leider opened the public hearing at 7:35pm and asked the applicant's representatives to explain the request. Bruce Cutler and Hiro Kurozumi, of Cutler Architects and representing the Brookharts, explained the project noting that the boundary-line adjustment involves moving the shared property line between mutually owned properties a distance of about five feet to the north.

Mayor Leider asked for comments from the public. As there were none, he closed the public hearing at 7:45pm.

Mayor Leider then commented that while he understood why Clerk-Treasurer Spens had waived the requirement for a new title report, he knows from personal experience that the reason the Town's Subdivision Code requires a title report within 30 days of the application is that encumbrances can be recorded against a property without the property owner's knowledge. Getting a fresh title report is of benefit to both the Town and the applicant. He suggested that another condition for approval be added that the applicant will provide a new preliminary title report and update the survey, if needed. He asked Councilmember Stowe to amend his motion to include a second condition for this.

**AMENDED MOTION:** Councilmember Stowe moved to approve the Brookhart's application for a boundary-line adjustment between the properties at 2713 and 2737 – 107<sup>th</sup> Ave SE with the following conditions:

- that the roof eave on the existing structure at 2737 – 107<sup>th</sup> Ave SE be brought into compliance with the Town's setback rules, and
- that the owner provide preliminary title reports for both properties and update the survey if needed.

Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Clerk-Treasurer Spens noted that the applicant will work with the Building Department to satisfy these conditions; she will ask Building Official Kolke to notify her when the conditions are met. In addition, the applicant will need to provide a notarized copy of the final survey. When these steps are completed, Clerk-Treasurer Spens will have Mayor Leider sign the BLA indicating final approval.

**ACCESS ISSUES FOR PROPERTY AT 10604 SE 27<sup>TH</sup> PLACE:** Mayor Leider asked Erin Jacobsen to describe her request. Ms. Jacobsen stated that she and her family are purchasing the home in question, which is currently owned by Daryl Tapio, and plan to replace the existing structure. During the pre-application meeting with Building Department staff, she outlined their proposed design and explained their need for an extension of the paved portion of SE 27<sup>th</sup> Place. Staff informed her that decisions about such improvements to the right-of-way must be directed to the Council, which is why she is appearing before the Council tonight.

Ms. Jacobsen directed the Council's attention to the rough site sketch she provided showing the approximate location of the proposed new house, including a driveway on the north side

of the property and a driveway leading from SE 27<sup>th</sup> Place to that garage. She then explained that currently the road paving stops halfway across the property frontage, and they propose to extend the pavement in from of the house to provide access to the proposed garage. She listed the following reasons for wanting the proposed access:

- Safety. They do not feel comfortable having bedrooms opposite of the water tower in case of an earthquake, falling tree, etc.
- Light. They prefer to take advantage of the additional light, especially in the winter, that filters through the trees onto the south half of the property.
- Play. Paving the road would allow kids to use it for biking, play, etc. off the main throughway.

She added that if paving is not an option, they would be open to hearing other suggestions.

Mayor Leider explained the Council's rationale to minimize paving on Town rights of way (ROWs), particularly those that are reserved for paths rather than planting strips, due to their aesthetics and function which otherwise would be an impervious surface.

Upon further discussion, the Council determined that they are willing to consider some alterations to the paved roadway in the vicinity, subject to the following conditions:

1. The proposed location of any new paving must not encroach on any portion of the water-tower lot on the west side of this ROW.
2. The amount of paving proposed must be the minimum needed to provide safe ingress/egress and will be placed at the property owner's expense.
3. To the extent possible, the amount of new paving added should be balanced by the removal of other paving or hard-surface materials that are currently on the subject ROW and replacement with appropriate landscaping to improve the overall appearance of the ROW.
4. The west portion of the SE 27<sup>th</sup> Place ROW is used for public-works staging and staging and should not be blocked. Any road extension should be along the east portion of the ROW nearest the property to be accessed.

Ms. Jacobsen stated that she will prepare drawings to illustrate a proposal that meets these conditions and bring it to the Council for discussion and possible action at their June meeting. She noted that time is of the essence in reaching some agreement with the Town.

**SHORELINE MASTER PROGRAM (SMP) UPDATE:** Mayor Leider commented that the Council completed its detailed review of the draft SMP last month and is still waiting for informal comments from the Washington State Department of Ecology about possible revisions. In the meantime, WABA has prepared a list of concerns for the Council's review, which he asked WABA President Paula Dix to present.

Ms. Dix directed the Council's attention to the list that was distributed with the Council packets and suggested that the discussion just follow the list.

Item #1. "No net loss of land." (throughout the document). WABA remains concerned that this language would eliminate the possibility of future grant funding for shoreline-restoration projects that aimed to improve the "useability" of the beach property while incrementally

decreasing the total available land area.

The Council explained that the Planning Commissions' rationale for inserting the concept of "No net loss of land" was to protect the beach property from intervention by the State in its quest to reduce and/or eliminate the development of private property along the Lake Washington shoreline.

Ms. Dix asked if the phrase sets a standard that is too strict, since any deviation from "No net loss of land" requires a variance, which may be difficult and expensive to obtain without guarantee of success. Joann Bromberg added that the Planning Commission's restriction does not take into account the social use of the beach property and fails to recognize that a project to increase social use may be of greater benefit to WABA members than the small amount of land loss needed to accomplish the project.

Mayor Leider commented that the Council can consider relaxing this requirement. He asked that WABA provide specific recommendations for revising the current SMP draft, including proposed language that addresses the idea of balancing land loss with improved social use.

Item #2. "No hedges." (Chapter 5.6.2 section C) And Item #3. "Views" (Chapter 5.6.2 section C and Chapter 6.9.1 Policy A) WABA has used hedges to screen the uplands from the beach and vice versa for some time and feels the Town should not be regulating what they plant on WABA's private property since no similar restrictions are placed on other property owners. Further, prohibiting hedges to preserve views has an impact on WABA's Woodlands Policy, which has been in effect for several years.

The Council noted that again this language is intended to protect the beach property from State intervention, which could require that hedges be planted along the shoreline to enhance salmon habitat. Planner Green will be providing a definition for hedges.

Item #4. "Tree Protection Regulations." (Chapter 5.6.2 section D) WABA wonders why it is not sufficient for the SMP to state that the Town has Tree Protection Regulations in effect.

The Council explained that it is a statutory requirement that the Town's tree-protection regulations be restated in their entirety in this document. Referring to the Tree Code in the SMP would limit future tree-code revisions as such revisions would necessarily require an amendment of the SMP.

Item #5. "Clearing and Grading." (Chapter 6.4.1 section D and Chapter 6.4.2 section D) WABA questions the requirement in the SMP for Town approval of the plants to be used in any shoreline restoration work.

The Council explained that the Town's authority to address plantings stems from the Open-Space Designation that the Town has granted to WABA for this property. In order to protect that designation and the tax advantages that WABA enjoys as a result, the Town must ensure that certain criteria continue to be met. However, the Council is willing to revise the language of Chapter 6.4.1 section D as follows: "*Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation. If non-*

*native vegetation is desired, appropriate non-invasive species may be used as approved by the Town."*

Item #6. "Geotechnical Analysis." (Chapter 6.11.5 paragraph 4) WABA questions why repairs should trigger the need for a geotechnical analysis.

The Council agrees to strike the words "or major repairs so that this final paragraph now reads: "*Submittals for replacement ~~or major repairs~~ of hard structural shoreline stabilization with softer shoreline stabilization measures shall include ~~submit~~ a full geotechnical analysis as would be required for a new or enlarged shoreline stabilization measure.*"

The Council thanked Ms. Dix and the Western Academy for their thorough review of the draft SMP and reminded all that the Council after receiving feedback from the Department of Ecology, they will prepare a revised draft SMP and solicit further comments prior to adopting a final version at a public hearing to be held in the near future.

**USE OF PERVIOUS VS. IMPERVIOUS MATERIALS:** The Council received a memo from Town Planner Green explaining that in recent years, permit applicants have requested the use of numerous alternative paving products that have been shown to be at least partly pervious. The Town's Zoning Code defines pervious and impervious surfaces and controls lot coverage based on their use, but does not include any formula that would account for alternatives that may be somewhat pervious. Ms. Green's memo notes that the Planning Commission is prepared to study this issue. If the Council concurs, the Planning Commission would like to begin their study by inviting Councilmember Sharp to brief them on the Town's stormwater drainage system.

It was the consensus of the Council that the Planning Commission should study all surfaces and materials. Clerk-Treasurer Spens will forward a copy of the recent Thalweg study as a starting point for this work.

**MAYOR AND COUNCILMEMBER REPORTS:**

**COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP):** Councilmember Gillem is working to implement the Map Your Neighborhood program to organize Beaux Arts' response capabilities. He is also working to clarify Council responsibilities and responses in the event of an emergency so that our plan is as specific to BAV, as user-friendly and as easy to implement as possible.

**TOWN CLEAN-UP:** Councilmember Hillberg reminded all that the Town Clean Up is scheduled for May 19<sup>th</sup>. He is working to develop suggested work-party projects and expects that a couple of paths will be tackled. He added that Steve Eulau, a BAV resident, will be bringing in a Boy Scout troop to help with the work.

**UTILITY FRANCHISES:** Councilmember Stowe reported that he found an attorney willing to review and advise on our existing utility franchises. As part of that work, he may be able to obtain simple refreshed agreements and remain within budget. He plans to attack one at a time and bring them to the Council as they are available for review.

**METRO SERVICE:** Mayor Leider reported that Councilwoman Jane Hague attended the last Mayors' Meeting to discuss bus route changes that are driven by the re-design of onramps from the Points Communities to SR-520.

**WHATMORE:** Mayor Leider reported that Town Attorney Stewart has re-iterated the Town's position on encroachment and water-supply issues relating to the Whatmore property.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting will be held at 7:00pm on Tuesday June 12, 2012 at Rick Leider's house.

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 9:35 pm.  
Councilmember Stowe seconded.  
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer